

April 29, 2015

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

RE: Request for Waiver - Funding Year 2015 FCC Form 471 Filing Deadline
Diocese of Memphis, Memphis, TN
FCC Form 471 No. 1051270
Schools and Libraries Universal Service Support Mechanism
CC Docket No. 02-6

We request a waiver of the FY2015 FCC Form 471 application filing window deadline under the E-rate program. The waiver requested is for Diocese of Memphis (DOM), application – 1051270, in accordance with requests previously submitted and reviewed by the FCC.¹ The quantitative amount of information and time requirements to navigate the new online filing system and application were substantially greater for FY2015. During the filing window, DOM and its consultant experienced technical difficulties, duplication of effort, loss of entered data and material differences between guidance provided in instructions and USAC announcements and actual system performance.

¹ See Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.; Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259-60, paras. 8 & 9 (2010) (finding special circumstances exist to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days after the FCC Form 471 filing window deadline; filed their FCC Forms 471 on time, but failed to timely file their certifications; or filed within 30 days despite medical issues); Requests for Waiver and Review of Decisions of the Universal Service Administrator by Anderson Elementary School et al.; Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, 27 FCC Rcd 5319, 5319-20, para. 2 (Wireline Comp. Bur. 2012) (treating late-filed item 21 attachments like late-filed certifications); Requests for Waiver of Decisions of the Universal Service Administrator by Academy for Academic Excellence et al.; Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, 22 FCC Rcd 4747, 4749, para. 4 (Wireline Comp. Bur. 2007) (finding special circumstances exist to justify granting waiver requests where petitioners were unable to file on time due to reorganizations, but still filed within a reasonable time); Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ashtabula Area City Schools et al.; Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, 28 FCC Rcd 4051 (Wireline Comp. Bur. 2013) (dismissing petitions for reconsideration because the petitioners failed to identify any material error, omission, or reason warranting reconsideration, and relied on arguments fully considered and rejected by the Bureau within the same proceeding).

PLATFORM INSTABILITY, DESIGN ISSUES AND LEVEL OF EFFORT RELATED TO THE USAC ONLINE FILING SYSTEM

During the Funding Year 2015 filing period there were several USAC system limitations, stability and design issues that significantly impacted applicants', specifically DOM, level of effort and timeliness of these filings.

USAC Issues Untimely Notice of Changes

Applicants were able to utilize the Funding Year 2014 for services that were to be requested in Funding Year 2015, as the Funding Year 2015 Form 470 was not available. On November 20, 2014, USAC announced the deployment of the FY2015 FCC Form 470. The announcement indicated that at 7:00 pm EST the Funding Year 2015 Form 470 would be deployed.² USAC indicated, **"If you have started an FY2014 FCC Form 470 online and you have not completed it by 7:00 pm EST tonight, you must start over using the FY2015 version of the form."** Further, USAC indicated, **"If you filed on paper using the FY2014 version of the form and we have not completed data entry of your form by 7:00 pm EST tonight, you will have to file your form online."** DOM submits the lack of notice prevented applicants and/or their representatives the ability to efficiently react to USAC's change. DOM was informed by our consultant that as a result of this action in excess of sixty (60) FCC Form 470s, including DOM, would need to be started over. In addition, USAC's ability to complete data entry of paper forms also impacted applicants and their representatives. All of which required duplicative efforts by applicants or their representatives, an increase in time associated with completion of the FY2015 FCC Form 470, impacting allowable contract dates, available Board meeting dates, contract signings and timely filing of the FCC Form 471 filing.

Critical Design Challenges in Block 4

Applicants completing the Block 4 in the USAC online system encounter a critical error in the application process if the incorrect category of service button is selected. Applicants are unable to change this selection once it is recorded by the USAC online system. Notwithstanding, no data has been entered into the Block 4, only the category selection has been saved. There was no guidance regarding this critical error in the FY2015 FCC Form 471 Instructions.³ On April 14, 2015, post-original filing deadline and two days before the extended deadline, USAC provided a Basic Information Tip, "Make sure you choose the

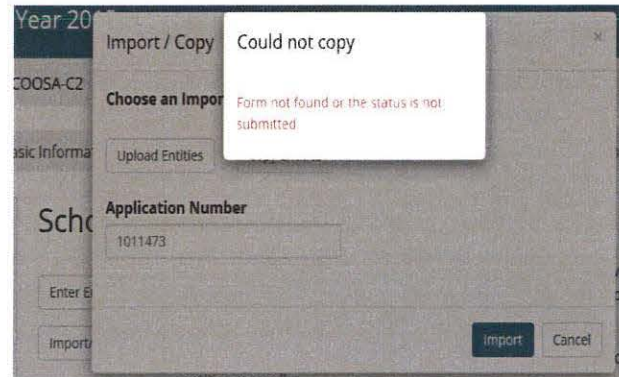
The screenshot displays the '471 - Funding Year 2015' interface. At the top, a blue header bar contains the title. Below it, a navigation bar shows 'Basic Information', 'Discount Calculation' (highlighted with a blue arrow), and 'Funding Requests'. On the left, a sidebar menu includes 'Hide this menu', 'Category of Service' (selected), 'List of Districts and Library', and 'Activity Questions'. The main content area is titled 'Category of Service' with an information icon. It contains the instruction: 'What is the category of service for the product and services that you are r'. Below this, a dropdown menu shows 'Category 1' with a checkmark. A list of service options is provided: 'Telecommunications', 'Voice Services', and 'Internet Access'. At the bottom, there are 'BACK' and 'NEXT' buttons.

² Universal Service Administrative Company (USAC), "Apply Online Maintenance Tonight Starting at 7:00 PM EST", November 20, 2014, <<http://www.usac.org/sl/tools/news/news-archive.aspx>> (accessed April 27, 2015)

³ Universal Service Administrative Company (USAC), "FCC Form 471 Instructions", October 2014, <<http://www.usac.org/res/documents/sl/pdf/forms/471i.pdf>> (accessed April 27, 2015)

correct category of service...”,⁴ which did not indicate the selection is final and an error will render the application useless for the intended services. The applicant must abandon the application and start a new application to select the correct category of service in the USAC online system. There appears to be no obvious administrative or applicant benefit or simplification in requiring the applicant to duplicate efforts when completing the application due to an inadvertent selection.

The FCC Form 471 Instructions provides guidance with completing the Block 4. The instructions describe “two tools that applicants can use to save time.” Relying on the guidance provided in the instructions, DOM’s consultant attempted to process the application. However, during data entry it was determined the “Copy Block 4” time-saving feature referenced in the instructions lacked material information. The online system will only allow the use of this feature if the referenced FCC Form 471 has been submitted.



The significant increase in the level of effort and amount of time to complete the application, substantially contributed to the out of window filing. This is inconsistent with the time saving feature noted in the 471 Instructions and caused applicants to duplicate their efforts or forego the concurrent processing of their applications; neither of which saved time.

Increased Level of Effort in Block 5

The Funding Request section of the online filing system is substantially more complicated than in previous years. For FY2014, four (4) hours was the estimated average burden hours to complete the Form 471. For FY2015 the estimated average burden hours are the same – four (4) hours. The burden hours have been underestimated.

KEY STAFF MEMBER MEDICAL ISSUE

In addition to the information presented above, a key staff member of our consulting firm was impaired by a medical issue on April 16, 2015 which resulted in an unavoidable impact on the aforementioned applications. This staff member was directly responsible for the data gathering, analysis and entry of information necessary to complete the FCC Form 471 application. The extent of this issue resulted in a necessary medical procedure which required sedation on April 17, 2015, the day following the close of the filing window, and requires an additional surgical procedure in the coming weeks to rectify the issue.

⁴ Universal Service Administrative Company (USAC), "Today's Online FCC Form 471 Filing Tip", April 17, 2015, <<http://www.usac.org/sl/tools/news/default.aspx>> (accessed April 27, 2015)

CONCLUSION

Diocese of Memphis is committed to quality education in an environment of spiritual intellectual and moral formation in which faith, culture and life are brought into harmony. The E-rate Program resources are an integral part of our success. Although we made every effort to timely submit the application, unfortunate circumstances – staff and systems issues beyond our control - impeded our efforts.⁵

We applaud the FCC for making the changes necessary to implement the E-Rate Modernization Order, and USAC's efforts to implement the system and procedural changes necessary to make the Funding Year 2015 filing window happen. USAC's Schools and Libraries Division personnel were charged with the seemingly impossible task of revising systems and procedures that had been compiled over the previous 17 years, in a finite time period.

We also hope that the FCC and USAC understand the exponentially increased burden that the new requirements placed on applicants, service providers, and consultants alike, and show leniency and compassion for applicants that are in situations similar to our own.

Sincerely,



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⁵ See Requests for Waiver of Decisions of the Universal Service Administrator by Academy for Academic Excellence et al.; Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, 22 FCC Rcd 4747, 4749, para. 4 (Wireline Comp. Bur. 2007) (finding special circumstances exist to justify granting waiver requests where petitioners were unable to file on time due to reorganizations, but still filed within a reasonable time).